

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTIN LEE PIPE, SR.,

Defendant.

**CR-20-48-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 18, 2022. (Doc. 58.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 16, 2022. (Doc. 53.) The United States accused Austin Lee Pipe, Sr. (Pipe) of violating his conditions of supervised release 1) by using fentanyl; and 2) by failing to maintain full time employment. (Doc. 84.)

At the revocation hearing, Pipe admitted to violating the conditions of his supervised release by committing the crime alleged in violation 1) by using fentanyl; and 2) by failing to maintain full time employment. (Doc. 53.) Judge Johnston found that the violations Pipe admitted proved to be serious and warranted revocation, and recommended revocation of Pipe's supervised release and recommended that Pipe receive a custodial sentence of 2 months, with 34 months of supervised release to follow, with the first 90 day of supervised release in a secure inpatient drug treatment center. (Doc. 58.) Pipe was advised of his right to appeal and his right to allocute before the undersigned. He waived those rights. (Doc. 53.) The violations prove serious and warrant revocation of Pipe's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 58) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Austin Pipe, Sr. be sentenced to the Bureau of Prisons for 2 months, with 34 months of supervised release to follow, with the first 90 day of supervised release in a secure inpatient drug treatment center.

DATED this 21st day of November, 2022.

  
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Brian Morris, Chief District Judge  
United States District Court